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News Release



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SERVICE REOPENS COMMENT PERIOD ON ITS PROPOSAL TO LIST THE FLAT-TAILED HORNED LIZARD AS THREATENED

Public Hearings Scheduled

The U.S. Fish and Wildlife Service announced today it is reopening a 60-day comment period and scheduling public hearings on its reinstatement of the 1993 proposal to list the flat-tailed horned lizard (*Phrynosoma mcallii*) as threatened under the Endangered Species Act.

Hearings are scheduled on June 19, 2002, from 1:00 p.m. to 3:00 p.m., and from 6:00 p.m. to 8:00 p.m., at the Southwest High School Performing Arts Theatre, 2001 Ocotillo Drive, El Centro, California.

The Service published a notice in the *Federal Register* on December 26, 2001, reinstating the 1993 proposal to list the species pursuant to the Act and opening a 120-day comment period. During the comment period, the Service received several requests to conduct hearings on the proposed rule to list the flat-tailed horned lizard.

The flat-tailed horned lizard is a small desert reptile that inhabits portions of the Sonoran Desert in southern California, Arizona, and northern Mexico. A typical flat-tailed horned lizard measures approximately 3.3 inches from snout to vent, and has two rows of fringed scales on either side of the body with a dark stripe along its backbone. Flat-tailed horned lizards feed primarily on native harvester ants, consuming 150-200 ants per day.

A proposed rule to list the species as threatened was published in the *Federal Register* on November 29, 1993. On July 15, 1997, the Service withdrew its proposal to list the flat-tailed horned lizard as threatened based on three primary factors: 1) population trend data did not conclusively demonstrate significant population declines; 2) some of the threats to the species' habitat were found to be less serious after publication of the proposed rule; and 3) the Service believed the approval of the 1997 Conservation

Agreement and implementation of the Rangewide Management Strategy would further reduce the severity of threats to the lizard.

The decision to withdraw the proposed listing was challenged in court by Defenders of Wildlife. On June 16, 1999, the U.S. District Court for the Southern District of California upheld the Service's decision to withdraw the proposed rule. The case was appealed and on July 31, 2001, the Ninth Circuit Court of Appeals vacated the District Court's ruling. On October 24, 2001, the District Court ordered the Service to reinstate the 1993 proposed rule to list the lizard as threatened and to make a new final listing determination for the species. The Service must make a final listing determination for the lizard by December 26, 2002.

Written comments, data, and information about this proposal received by the Service by 5:00 p.m. on July 29, 2002, will be considered in any final listing determination. All comments and materials should be sent to Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may also be submitted by electronic mail to **fthl@r1.fws.gov**. Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include your name and return address in the e-mail message. If you do not receive a confirmation from the system that your e-mail message was received, contact the Service directly by calling the Carlsbad Fish and Wildlife Office at 760/431-9440.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System which encompasses nearly 540 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 70 national fish hatcheries, 64 fishery resource offices and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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